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Human rights situation in Palestine and other occupied Arab territories

Joint written statement* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination, the Arab Lawyers Union, the Arab Organization for Human Rights, International-Lawyers.Org, IUS PRIMI VIRI International Association and the Union of Arab Jurists, non-governmental organizations in special consultative status, and International Educational Development, Inc. and the World Peace Council, non-governmental organizations on the roster

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[2 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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No Safe Haven: Palestinian Children under Israeli Military Occupation*

Children are afforded special safeguards and care under international law so as to foster their healthy individual development within society in a safe environment – in the spirit of the ideals proclaimed in the UN Charter, and in particular peace, dignity, tolerance, freedom, equality and solidarity. Such provisions are enshrined in, *inter alia*, the UDHR, CRC, ICCPR (in particular in articles 23 and 24), ICESCR (in particular in article 10), and in the relevant statutes and instruments of specialized agencies and international organizations concerned with the welfare of children. Yet, we witness that children are often the first victims of conflict, violence, and human rights violations. Palestinian children are among those whose most fundamental rights are violated on a consistent basis, as a result of Israel's prolonged belligerent occupation. This statement focuses on the most fundamental of rights: The right to life and safety.

Palestinian children's inherent rights to life and to grow up in a safe environment in which their human dignity is respected are infringed upon daily. Israel's military occupation and in specific its continued excessive use of force and military activities such as night raids and sieges show complete disregard for the lives and safety of innocent civilians, particularly children. Israel's military actions have an extremely negative impact on the physical and psychological wellbeing of Palestinian children.

Daily Military Activities and Settler Violence

Israel's militarization of public and private spaces pervades every aspect of life of Palestinian children living in the occupied West Bank, including East Jerusalem. Even the youngest children undergo "security checks" when passing by squads of Israeli soldiers and police, and often face acts of intimidation, harassment, and violence by the occupying forces. In 2015, Israel passed new laws with one order allowing its forces to shoot at anyone allegedly threatening the life of a third party and approved the arming of Israeli civilians. Palestinian children are fearful of the constant military presence and armament of Israel's civilian population, including settlers, especially in view of a rise in extrajudicial killings. These have already claimed many victims among Palestinian youth and children, resulting in traumatizing effects on those who survive. Soldiers invade villages at night and force people out of their homes for interrogation, resulting in a pervasive sense of insecurity among children who are woken up by armed soldiers or the sounds of sirens or gunfire in the middle of the night.

The imposition of movement restrictions such as checkpoints in the West Bank leads to infants being born on roadsides and causes death of infants and/or their mothers. Israel's military occupation becomes manifest in the lives of children through, *inter alia*, repeated attacks, raids and incursions, arrests, and systematic attacks against cultural and educational institutions, which result in psychological trauma and insecurity among children. Regardless of whether Palestinians initiate a cultural festival for children, hold a community gathering, or organize a peaceful demonstration, Israeli authorities and military forces can interfere at any time to shut down the assemblies or violently disperse them. Israeli forces employ live ammunition, rubber-coated bullets, and tear gas during demonstrations and military search and arrest operations, reportedly also against Palestinian children not posing any threat.

In East Jerusalem, Israeli authorities retain the power to close Palestinian institutions, public conferences and cultural events, including children's festivals, and impose censorship on Palestinian school books on grounds of alleged security risk and affiliation with the PA – as they did during their 2014 military action in Gaza. Under similar allegations, they impose punitive measures, such as summons and fines, on organizers, hosts and supporters of Palestinian civil society activities and schools. These measures further undermine children's right to education and to actively participate in their community.

Furthermore, hundreds of Palestinian children are in Israeli military detention and prosecuted in military courts, where they face ill-treatment, such as beatings, being hit with sticks, blindfolded, kicked and subjected to verbal abuse and threats of sexual violence by Israeli security forces, police, and border police.

Israel employs Palestinian children as human shields and informants. Israeli soldiers compel Palestinian children living in the occupied Palestinian territories to search bags or homes for people or suspect objects; make them convey messages or orders to Palestinian suspects; hold them inside buildings converted into military outposts to prevent attacks by Palestinian fighters; and force them to shield soldiers from stone-throwing during clashes in the absence of any protection for the children.

Settler violence continues to be a daily threat to life for Palestinian children. In the area of At-Tuwani in the South Hebron Hills, for instance, religiously extreme settlers continue to harass and attack Palestinian children, *inter alia*, by threatening and ambushing children, throwing stones, and beating them. Armed Israeli settlers carry out attacks against Palestinian civilians and property, *inter alia*, shootings, harassment, and destruction or damage of civilian property. This situation is exacerbated by Israeli public figures engaging in hate speech against Palestinians with complete impunity. In Israel's justice system, perpetrators of crimes against Palestinians are rarely held to account.

Military Operations

In direct contravention of the Fourth Geneva Convention, the Occupying Power continues to employ excessive and indiscriminate use of force, especially in its military campaigns in Gaza, resulting in deaths and injuries of Palestinian civilians, and in the destruction of property, vital infrastructure, and agricultural land.

Palestinian children continue to live in a climate of violence, particularly during explosions caused by rocket attacks, air strikes and shelling. During Israel's 2014 "Operation Protective Edge" in Gaza, many children were killed by indiscriminate shelling and drone and air strikes. The enforcement of access restrictions close to the border fence in Gaza also results in deaths among children. These outcomes are a direct consequence of the Israeli occupation and the failure of Israel to respect its obligations under international law.

Military operations entail grave violations of children's right to life, manifested, *inter alia*, through the reportedly deliberate killing by IDF of children in the 2008 military operation called "hot winter". Lethal force was used against unarmed Palestinians, including children[1], and indiscriminate shelling, including during excursions, lead to civilian death. Israel has hitherto failed to fulfill its legal obligation to investigate the killing of Palestinian children.

The IDF incursions in Gaza during "Operation Cast Lead" between 27 December 2008 and 18 January 2009 caused the killing of civilians, the demolition of residential structures, and the targeting of non-military objectives – attacks considered contrary to the principles of distinction and proportionality. This is reflected in the high numbers of civilian casualties, with at least a third of those killed being women and children. Israel conducted strikes on UN and medical facilities, buildings, vehicles and crews, employed weaponry containing phosphorous in densely-populated areas, and used Palestinian civilians as human shields. The operation resulted in the death of more than 1,400 Palestinians, with over 83 percent being civilians, including 342 children. 318 of these did not take part in hostilities.

During its large-scale, eight-day military offensive ("Operation Pillar of Defense") in the Gaza Strip from 14 to 21 November 2012, 165 Palestinians were killed, more than half of them civilians, and around 1,400 were injured, the majority of whom were believed to be civilians, including many children.

From 8 July to 26 August 2014, Israel launched "Operation Protective Edge", during which Gaza witnessed destruction on an unprecedented scale, causing a huge loss of life that disproportionately affected civilians. A massive damage to homes, infrastructure, hospitals and schools was a further consequence. Again, serious concerns were raised regarding the IDF's adherence to the legal principles of distinction, proportionality and precaution during attacks – which entailed a devastating impact on children. By 26 August 2014, 142 Palestinian families had three or more family members killed in the same operation. By the end of Israel's last major military operation in Gaza, 2,251 Palestinians were killed, of whom at least 1,492 were civilians, including 551 children[2].

1 Lethal force was used against children demonstrating or throwing stones, or who attempt to cross into Israel or escape arrest.

2 OCHA (2014). Fragmented Lives. Humanitarian Overview.

Conclusion

Palestinian children sink from one catastrophe into the next, which have a cumulative effect. As Avi Dichter, former head of the Israeli General Security Service, expressed in a statement on 21 May 2005: "When a Palestinian child paints a picture of the sky, there's always an Israeli helicopter there, too." Behind the numbers and terminology lie pervasive human hardship and suffering. Hardly a family in the OPT remains untouched by the untold suffering of daily exposure to a military force and devastating military operations. Families are traumatized by indescribable loss, with thousands of children having lost their parents, and a hundred thousand having lost their homes.

In the light of grave and systematic Israeli violations of the fundamental rights of Palestinian children as a special protected group of an occupied territory, we recommend to the UN and its relevant bodies to:

- Demand Israeli authorities to abide scrupulously by the State's obligations under the CRC in all territories under its control and to comply with the Fourth Geneva Convention;
- Pressure the Israeli authorities to cease its excessive use of force and to put an end to all military activities endangering the Palestinian civilian population;
- Urge the Israeli Government to end its policy of collective punishment against the Palestinian civilian population, particularly its destructive Gaza blockade;
- Demand Israel to immediately cease all killings and injuring of Palestinian civilians, adequately investigate all committed crimes, and bring perpetrators to justice;
- Compel Israel to abide by its obligations as a UN Member State, implement its international human rights obligations, and fully cooperate with relevant treaty bodies and human rights mechanisms, particularly with the fundamental provisions of equality and non-discrimination.

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*Geneva International Centre for Justice (GICJ), The Arab Lawyers Association-UK, The Brussells Tribunal, Euro-Mediterranean Human Rights Monitor, Association of Humanitarian Lawyers (AHL), The Iraqi Commission for Human Rights (ICHR), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, International Anti-Occupation Network (IAON), NGO(s) without consultative status, also share the views expressed in this statement.